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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1968
No. 1319

STANLEY V. TUCKER,

Petitioner,

vs.

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, and THE HONORABLE ALBERT LEE STEPHENS, JUDGE THEREOF,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH DISTRICT.

STANLEY V. TUCKER
Petitioner
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STANLEY V. TUCKER, Petitioner herein, prays that a Writ of Certiorari issue to review the judgment of the United States Court of Appeals, Ninth Circuit, entered in the above-entitled case on March 26, 1969

1. OPINION BELOW

The judgment of the Circuit Court of Appeals was entered without an opinion and is appended hereto as Appendix A..

2. JURISDICTION

The jurisdiction of this Court is involked under 28 U.S.C. Section 1254(1).

3. QUESTION PRESENTED

Whether Petitioner under 28USC Section 1443 (Civil Rights Case) Sub (1) has the right to file a removal petition in the United States District for a criminal contempt action in the Ventura (California) Superior Court (Case No. D 57327) wherein diversity of citizenship exists and the sum in controversity is $11,070 and the Petitioner has repeatedly been denied or cannot enforce in the California Court his rights under the United States Constitution, Article IV and Section I, Full Faith and Credit, under the Amendments and under the Laws of the United States, Title 42 USC Section 1981 et seq.

4. STATEMENT OF CASE

The denial of Petitioner's rights under the United States Constitution, the Amendments and the laws of the United States were carried out under color of the laws of the State of California including but not limited to:

(a) Initiation of Reciprocal Enforcement of Support Proceedings in California as Initiating State subsequently transmitted regularly and in accordance with the law to the State of Connecticut where Petitioner was subjected to civil process litigated over two years to final judgment.

(b) Notwithstanding all of the matters in Paragraph (a) above twice the Courts of California have conducted criminal pro se-

cutions of your Petitioner for the very claims litigated to final judgment in Connecticut.

(c) Notwithstanding all of the matters in Paragraph (a) above once before the Superior Court of California has subjected Petitioner to civil process, litigation and a new judgment totally disregarding all of the litigation and the judgment in Connecticut.

(d) Notwithstanding all of the above, Petitioner's former wife has initiated a new proceeding, the fourth prosecution for the same claims, consisting of an Order To Show Cause of Contempt for allegedly failing to pay the child support litigated away as described in Paragraph (a) above and an Order To Show Cause claiming the sum of $11,070 as further demand. Said Orders To Show Cause by reasons of continuances are now set for hearing April 28, 1969 at 10:00 A. M. in the Ventura Superior Court, 501 Poli, Ventura, California.

5. REASONS FOR GRANTING THE WRIT

(a) The decision of the Court below in the instant case is in direct conflict with the decision of the United States Court of Appeals, Fifth Circuit, June 5, 1964, in the case, Lefton v. City of Hattiesburg 333 F2d 280 where proceeding in the Court of Appeals resulted in a Writ of Mandamus compelling the District Court to accept petition to remove civil rights prosecution from a State Court without filing fee or bonds.

(b) The decision of the court below in the instant case is in direct conflict

with the decision of the United States Supreme Court in Bloom v. State of Illinois 88 S. Ct. 1477, wherein it was held that criminal contempt is classed as a serious crime by the United States Supreme Court and subject to jury trial provisions of the Constitution Article III, Section II all of which has been denied to Petitioner herein by California State Courts acting under color of State Law.

(c) The decision of the court below in the instant case is in direct conflict with the decision of the United States District Court Eastern District of New York, Spindell v. Spindell 283 F Supp.797 wherein a motion to dismiss was denied April 11, 1968 wherein in a sixteen page analysis of federal law and decisions leading back into the year 1000 or so under the Courts of Chancery, the Court held that Federal Courts have the power to entertain cases of this type where the jurisdictional elements appear as follows, all of which appear in the instant case:

1) Diversity
2) Jurisdictional Amount
3) Jurisdictional Controversy, such as contempt, tort, or declaratory relief.

(d) The adoption of the Code of Laws known as "Reciprocal Enforcement of Support Laws" by all 50 states and many foreign countries in recent decades has created a whole body of controversy in law never yet considered and ruled on by the United States Supreme Court. Under Chapter 17 of the General Statutes of Connecticut as Responding State and under Sections 1650 - 1693 of the Civil Code of Procedure of the State of California sup-

port claims initial in California were litigated to final judgment in Connecticut. Can California as Initiating State totally disregard the Final Judgment Rendered in Connecticut as Responding State? Such a conflict has not yet been submitted to the United States Supreme Court for decision. With ever increasing volume in divorce it has been roughly estimated that millions of people are today caught up in this state-to-state ligigation with billions of dollars changing between the states each year.

Are not the states receiving these billions of dollars, lucky indeed to have the money to reduce welfare costs, also bound to honor and respect by full faith and credit and Article IV, Section I of the United States Constitution the very judgments made in Responding State Courts that yield forth the bountiful flow of billions of dollars?

6. CONCLUSION

For the foregoing reasons, this petition for a Writ of Certiorari should be granted.

Respectfully submitted,

Stanley V. Tucker

STANLEY V. TUCKER
Petitioner

Dated: April 11, 1969

APPENDIX A.

OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

STANLEY V. TUCKER, Petitioner,	)
vs.	) No. 24025
UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, Respondent.	)

O R D E R

Before: HAMLEY and MERRILL, Circuit Judge

The application for a writ of mandamus is denied.

Frederick G. Hamley

Charles C. Merrill

Dated: March 26, 1969.

APPENDIX B

TABLE OF AUTHORITIES CITED

United States Constitution	Page
Article IV Section I	2
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28 USC Section 1443 (1) (2)	2
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